THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 8306 of 2006

28-04-2006

Between:-

Chiranjeevulu

Petitioner

And

The Commissioner, Endowments Department, Government of Andhra Pradesh, Tilak Road, Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 8306 of 2006

Oral order:

This writ petition is filed assailing the alleged *ex-parte* order dated 01-04-2006 in O.A.No. 12 of 2004 of the 2nd respondent. The petitioner, admittedly, is in unauthorized occupation of land in an extent of Ac.0-10 cents in survey No. 303/5 of Puttur town, Chittoor district belonging to the Sri Sadasiva Swamy Temple, Puttur, the 3rd respondent.

The 2nd respondent initiated proceedings under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') in O.A.No. 12 of 2004 to determine the petitioner as an encroacher and for his eviction. On a meticulous analysis of the facts, the 2nd respondent found no evidence of grant of any valid lease in favour of the petitioner following even the minimal requirement of the relevant statute and statutory rules. Accordingly, after determining the respondent therein as an encroacher, he was directed to vacate the premises and handover the vacant possession of the site to the 3rd respondent-Temple, failing which action would be taken for his eviction in

accordance with law and as per the procedure ordained under Section 84(1) of the Act and within fifteen (15) days after the expiry of a period of fifteen (15) days granted to the petitioner to voluntarily vacate the premises.

The petitioner states that he has a revisional remedy to the 1st respondent and within a period of ninety (90) days. Therefore, contends the petitioner, directing the petitioner's eviction within a month from the date of order impugned, is arbitrary. Neither in the O.A. proceedings nor before this court, has the petitioner pleaded, established or demonstrated any legitimate entitlement to continuance in the 3rd respondent-Temple lands. The petitioner pleads that as he is illiterate and did not know the nuances of law, he was put into possession by way of an oral lease granted by the trustees. It is the clear statutory position that neither the trustees nor any authority in the Endowments Department or in the State Government have any manner of power, authority or jurisdiction to enter into oral leases in respect of temple/devasthanam properties. If the petitioner was misled into the occupation of the property on the oral assurances of any person or authority, the petitioner is at liberty to pursue all remedies available at law and relentlessly against such person or authority. If some authority under the cloak of official power had granted an oral lease to the petitioner, the petitioner is also at liberty to seek sanction for prosecution of such authority in criminal law. In any event by the device of such extravagant and illegal procedure, the petitioner's occupation of endowment land would not be rendered legitimate. The petitioner has no legal basis to resist the eviction and no Mandamus can be issued by this court to perpetuate an illegality. There are no merits.

The writ petition is dismissed, at the stage of admission, after hearing the learned Government Pleader for Endowments for the respondents. No costs.

GODA RAGHURAM, J

Dated:28-04-2006

Pvks/*